

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN THE MATTER OF:

NAME: BLANTON, JOHN EDWARD CHAPTER 13 CASE NO. 04-41284
BLANTON, STEPHANIE HARPER OUR FILE NO. 11294

ADDRESS: 114 WOODLAWN DR.
FOREST CITY, NC 28043

SSN: --- -- 1077 & --- -- 9715
DEBTORS.

JOHN EDWARD BLANTON AND WIFE, Adv. Proc. No. 07-4010
STEPHANIE HARPER BLANTON,
Plaintiffs,

versus

CITICORP TRUST BANK, FSB
Defendants.

JOINT MOTION FOR APPROVAL OF SETTLEMENT

Plaintiffs, John Edward Blanton and Stephanie Harper Blanton ("Plaintiffs"), and Defendant, Citicorp Trust Bank, FSB ("CTB"), hereby jointly move the Court, pursuant to applicable bankruptcy law and Local Rule 9013-1, for an Order approving the proposed settlement of Plaintiffs' claims against CTB, and in support of this motion state the following:

1. Plaintiffs are borrowers under a loan agreement designated by CTB as account number ****825 (the "Loan"), which is secured by a deed of trust on residential real estate owned by the Plaintiffs and located at 114 Woodlawn Drive in Forest City, North Carolina.

2. Plaintiffs filed a voluntary Chapter 13 petition on November 15, 2004.

3. Plaintiffs filed this Adversary Proceeding, Adv. Proc. No. 07-4010 (the "Adversary Proceeding"), on or about February 13, 2007. In this Adversary Proceeding, Plaintiffs allege violations of various federal bankruptcy statutes and other federal and state statutes and laws and seek declaratory and injunctive relief.

4. Plaintiffs and CTB (sometimes collectively referred to herein as the "Parties") have reached an agreement to resolve the issues between them and to settle the pending Adversary Proceeding and have entered into a Compromise, Settlement, and Release Agreement (the "Settlement Agreement"). The Settlement Agreement is attached hereto as Exhibit A and incorporated herein by reference.

5. As more fully set forth in the Settlement Agreement, the terms of the settlement include the following: (a) CTB is to pay to Plaintiffs \$7,000.00 inclusive of attorneys' fees and costs, in full and final settlement of all claims; (b) CTB will permanently remove fees and charges totaling

\$167.17 from the balance due on the Loan; (c) CTB will provide a written statement to Plaintiffs that the Loan is current for the period from filing of the initial petition in this bankruptcy through the entry of the Order approving this settlement, contingent upon Plaintiffs' timely making all payments due through the date of the Order; (d) Plaintiffs will dismiss this Adversary Proceeding; and (e) Plaintiffs will release CitiMortgage from all claims as described in Paragraph 4 of the Settlement Agreement. The recitations in this paragraph are intended to summarize the terms of the Settlement Agreement and not to limit the terms agreed to by the Parties or the respective obligations under the Settlement Agreement. Those interested parties receiving service of this motion are directed to the Settlement Agreement for the Parties' complete recitation of their agreement, and the Settlement Agreement executed by the Parties, if approved by the Court, will control for all purposes.

6. The Parties are therefore requesting that the Court approve this settlement as set forth herein and allow the Parties to enter into the same in full settlement of this Adversary Proceeding.

WHEREFORE, Plaintiffs and CitiMortgage ask that this Court:

- A. Grant an Order approving the Joint Motion for Approval of Settlement; and
- B. Award such other and further relief as the Court may deem just and proper.

This 20th day of July, 2007.

/s/ O. Max Gardner III
O. Max Gardner III
N.C. Bar No. 6164

/s/William S. Gardner
William S. Gardner
N.C. Bar No. 32684

Attorneys for Plaintiffs, John Edward Blanton
and Stephanie Harper Blanton

GARDNER LAW OFFICES
403 South Washington Street
Post Office Box 1000
Shelby, North Carolina 28151-1000
Ph: (704) 487-0616
Fax: (704) 487-0619
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bgardner@maxgardner.com

/s/ Robert E. Harrington
Robert E. Harrington
N.C. Bar No. 26967
Nicholas G. Walter
N.C. Bar No. 31849

Attorneys for Defendant, Citicorp Trust
Bank, FSB

ROBINSON, BRADSHAW & HINSON, PA
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246-1900
Ph: (704) 377-2536
Fax: (704) 378-4000
rharrington@rbh.com
nwalter@rbh.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN THE MATTER OF:

**NAME: BLANTON, JOHN EDWARD CHAPTER 13 CASE NO. 04-41284
BLANTON, STEPHANIE HARPER OUR FILE NO. 11294**

**ADDRESS: 114 WOODLAWN DR.
FOREST CITY, NC 28043**

SSN: --- -- 1077 & --- -- 9715

DEBTORS.

**JOHN EDWARD BLANTON AND WIFE,
STEPHANIE HARPER BLANTON,**

Adv. Proc. No. 07-4010

Plaintiffs,

versus

CITICORP TRUST BANK, FSB

Defendants.

**NOTICE OF JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT
AND NOTICE OF OPPORTUNITY FOR HEARING**

**(No-Protest Notice: No Hearing Will Be Held
Unless Request For Hearing Is Filed)**

TAKE NOTICE that the above-named parties have filed papers with the United States Bankruptcy Court for the Western District of North Carolina for approval of a Settlement Agreement. A copy of these paper(s) is included with this Notice or copied on the reverse side of this Notice.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

TAKE FURTHER NOTICE that if you do not want the Court to grant the relief requested by the Plaintiff in the motion, or if you want the Court to consider your views on the motion, then on or before the **16th day of August, 2007**, you or your attorney must do three (3) things:

1. **File with the court a written response requesting that the Court hold a hearing and explaining your position. File the response at:**

United States Bankruptcy Court
Western District of North Carolina
P.O. Box 34189

Charlotte, NC 28234-4189

If you mail your request to the Court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

O. Max Gardner III
Attorney for the Debtor(s)
P.O. Box 1000
Shelby, NC 28151-1000
Fax No. 888.870.1647

and to:

Steven G. Tate
Chapter 13 Trustee
P.O. Box 1778
Statesville, NC 28687-1778

3. **Attend the hearing scheduled for Friday, August 31, 2007 at 9:30 a.m.** in Courtroom Number 5 at the Cleveland County Courthouse and Law Enforcement Center, 100 Justice Place, Shelby, North Carolina.

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD**, and the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated this the 20th day of July, 2007



O. Max Gardner III
Gardner Law Offices
Attorney for the Debtor
P.O. Box 1000, Shelby, NC 28151-1000
N.C. State Bar No. 6164
(704) 487-0616/Fax (888) 870-1647
e-mail: maxgardner@maxgardner.com



William S. Gardner
Gardner Law Offices
Attorney for the Debtor
P.O. Box 1000, Shelby, NC 28151-1000
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(704) 487-0616/Fax (888) 870-1644
e-mail: wgardner@maxgardner.com

CERTIFICATE OF SERVICE

O. MAX GARDNER III, attorney for the debtors, hereby certifies to the Court as follows:

1. I am not a party for the foregoing proceeding;
2. I am not less than 18 years of age;
3. I have this day served a copy of the foregoing **JOINT MOTION FOR APPROVAL OF SETTLEMENT AND NOTICE OF OPPORTUNITY FOR HEARING** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

John and Stephanie Blanton
114 Woodlawn Drive
Forest City, NC 28043

And via the Court's Electronic Case Filing System to:

Robert E. Harrington, Esq.
Robinson, Bradshaw & Hinson, PA
101 N. Tryon St. Ste. 1900
Charlotte, NC 28246

Steven G. Tate
Chapter 13 Trustee
P.O. Box 1778
Statesville, NC 28687-1778

John Bramlett, Bankruptcy Administrator
402 W. Trade St., Room 200
Charlotte, NC 28202-1664

4. I have also served copies of the **NOTICE OF OPPORTUNITY FOR HEARING** on all creditors listed on the master mailing matrix, a copy of which is attached hereto, in the same manner and method as described in paragraph number 3 above;

5. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;

6. Service as outlined herein was made within the United States of America.

Dated this the _____ day of July, 2007.



O. Max Gardner III
Gardner Law Offices
Attorney for the Debtor
P.O. Box 1000, Shelby, NC 28151-1000
N.C. State Bar No. 6164
(704) 487-0616/Fax (888) 870-1647
e-mail: maxgardner@maxgardner.com



William S. Gardner
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(704) 487-0616/Fax (888) 870-1644
e-mail: bgardner@maxgardner.com

MATRIX ATTACHED HERETO AS EXHIBIT "A"

Label Matrix for local noticing

0419-4

Case 04-41284

Western District of North Carolina

Shelby

Fri Jul 20 14:18:49 EDT 2007

AMERICAN GENERAL FINANCE

181 COMMERCIAL ST

FOREST CITY NC 28043-2850

eCAST Settlement Corporation

P.O. Box 35480

Newark, NJ 07193-5480

Shelby Division

P.O. Box 34189

Charlotte, NC 28234-4189

(p)AMERICAN GENERAL

P O BOX 3121

EVANSVILLE IN 47731-3121

BANK OF AMERICA

PO BOX 53132

PHOENIX AZ 85072

BANK OF AMERICA

PO BOX 60069

CITY INDUSTRY CA 91716-0069

BANK OF AMERICA BANKRUPTCY

DEPT/DEPT NC4-105-03-14

PO BOX 26012

GREENSBORO NC 27420

BANK OF AMERICA NA USA

PAYMENT PROCESSING CENTER

PO BOX 53132

PHOENIX AZ 85072

BANK OF AMERICA NA USA

PO BOX 2278

NORFOLK VA 23501-2278

(p)BB AND T

PO BOX 1847

WILSON NC 27894-1847

BB&T BANKRUPTCY SECTION

100-70-01-51

PO BOX 1847

WILSON NC 27894-1847

BB&T Recovery Dept.

P.O. Box 1489

Lumberton, NC 28359

BB&T/ATTN JACK HAYES

BANKRUPTCY DEPT

PO BOX 1847

WILSON NC 27894-1847

BENEFICIAL

PO BOX 17574

BALTIMORE MD 21297-1574

BENEFICIAL

PO BOX 8633

ELMHURST IL 60126

BENEFICIAL

PO BOX 9055

BRANDON FL 33059

BROCK & SCOTT PLLC

TIMOTHY L HANSON

5121 PARKWAY PLAZA BLVD

CHARLOTTE NC 28217-1965

BROCK & SCOTT PLLC

TIMOTHY L HANSON

5821 FAIRVIEW ROAD SUITE 106

CHARLOTTE NC 28209

BUSINESS REVENUE

SYSTEMS INC

PO BOX 13077

DES MOINES IA 50310-0077

Bankruptcy Administrator

402 W. Trade St., Room 200

Charlotte, NC 28202

Business Revenue Systems, Inc.

Act 7676032

P.O. Box 13077

Des Moines, IA 50310-0077

CHASE CUSTOMER SERVICE

PO BOX 15902

WILMINGTON DE 19850-5902

CHASE MANHATTAN BANK

USA NA

PO BOX 15583

WILMINGTON DE 19886-1194

CHASE MANHATTAN MORTGAGE

CORP

10790 RANCHO BERNARDO RD

SAN DIEGO CA 92127

CHASE MANHATTAN MORTGAGE

CORP

3415 VISION DR

COLUMBUS OH 43219-6009

CHASE MANHATTAN MORTGAGE

CORP

PO BOX 830016

BALTIMORE MD 21283-0016

CHASE MANHATTAN MORTGAGE CORP

PO BOX 24696

COLUMBUS OH 43224-0696

CHASE PLATINUM MASTERCARD

PO BOX 15650

WILMINGTON DE 19886-5650

CITI CARDS

PO BOX 3671

URBANDALE IA 50323

CITICORP TRUST BANK
MORTGAGE SERVICES
PO BOX 140129
IRVING TX 75014

CITICORP TRUST BANK
MORTGAGE SERVICES
PO BOX 371453
PITTSBURGH PA 15250-7453

CITICORP TRUST BANK FSB
FKA TRAVELERS BANK & TRUST
PO BOX 168728
IRVING TX 75016-8728

CLEVELAND REGIONAL
MEDICAL CTR
201 E GROVER ST
SHELBY NC 28150

CLEVELAND REGIONAL MEDICAL
CENTER
201 EAST GROVER ST
SHELBY NC 28150

CLEVELAND REGIONAL MEDICAL CTR
PO BOX 12150
CHARLOTTE NC 28220-2150

CONSUMER CREDIT COUNSELING
SERVICE
757 FREDERICK RD
BALTIMORE MD 21228-4503

DISCOVER BANK
DISCOVER FINANCIAL SERVICES
PO BOX 3025
NEW ALBANY OH 43054

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

DISCOVER FINANCIAL SERVICES
PO BOX 3025
NEW ALBANY OH 43054

DISCOVER FINANCIAL SERVICES
PO BOX 5044
SANDY UT 84091-5044

DISH NETWORK
DEPT 0063
PALATINE IL 60055-0063

DISH NETWORK
PO BOX 105013
ATLANTA GA 30348-5013

DISH NETWORK
PO BOX 105169
ATLANTA GA 30348-5169

E R SOLUTIONS INC
PO BOX 9004
RENTON WA 98057-9004

E R Solutions, Inc.
Act 1461586-1P
P.O. Box 9004
Renton, WA 98057-9004

ECAST SETTLEMENT CORP ASSIGNEE
OF CHASE MANHATTAN BANK USA NA
PO BOX 35480
NEWARK NJ 07193-5480

ENCORE RECEIVABLE
MANAGEMENT INC
PO BOX 3330
OLATHE KS 66063-3330

HOUSEHOLD FIN CO/BENEFICIAL
BY ECAST SETTLEMENT CORP
P O BOX 35480
NEWARK NJ 07193-5480

Household Finance Corporation/Beneficial
by eCAST Settlement Corporation as its
P.O. Box 35480
Newark, NJ 07193-5480

INTERNAL REVENUE SERVICE
PO BOX 21125
PHILADELPHIA PA 19114

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 21126
PHILADELPHIA PA 19114-0326

LVNV Funding LLC
c/o Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

MBNA AMERICA
PO BOX 15026
WILMINGTON DE 19850-5026

MBNA AMERICA
PO BOX 15288
WILMINGTON DE 19886-5288

MBNA AMERICA BANK NA
BY ECAST SETTLEMENT CORP
PO BOX 35480
NEWARK NJ 07193-5480

N.C. Department Of Revenue
P.O. Box 25000
Raleigh, NC 27640-0002

NC DEPT OF REVENUE
OFFICE SERV DIV/BANKRUPTCY UNT
PO BOX 1168
RALEIGH NC 27602-1168

NC Department Of Revenue
P.O. Box 1168
Raleigh, NC 27602

O MAX GARDNER III
ATTORNEY AT LAW
PO BOX 1000
SHELBY NC 28151-1000

PORTFOLIO RECOVERY ASSOCIATES
PO BOX 41067
NORFOLK VA 23541

RESURGENT CAPITAL SERVICES
PO BOX 10587
GREENVILLE SC 29603-0587

RUTHERFORD CO TAX COLLECTOR
PO BOX 143
RUTHERFORDTON NC 28139

RUTHERFORD RADIOLOGICAL
ASSOC PA
PO BOX 886
RUTHERFORDTON NC 28139

Rutherford County Tax Collector
P O Box 143
Rutherfordton, NC 28139

Rutherford Cty Tax Collector
P.O. Box 143
Rutherfordton, NC 28139-0143

SEARS CREDIT CARDS
PO BOX 182156
COLUMBUS OH 43218-2156

SEARS ROEBUCK & CO
PO BOX 3671
DES MOINES IA 50322

Steven G. Tate
Chapter 13 Standing Trustee
P.O. Box 1778
Statesville, NC 28687-1778

U.S. Attorney's Office
Suite 1700, Carillon Bldg.
227 W. Trade St.
Charlotte, NC 28202

UPSTATE CAROLINA MEDICAL
CENTER
1530 N LIMESTONE ST
GAFFNEY SC 29340

United States Attorney
Room 207 U.S. Courthouse
100 Otis Street
Asheville, NC 28801

WACHOVIA BANK NA
CENTRAL BK DEPT VA7359
PO BOX 13765
ROANOKE VA 24037-3765

(p)WACHOVIA BANK NA
P O BOX 13765
ROANOKE VA 24037-3765

eCAST Settlement Corporation, assignee
of Chase Manhattan Bank USA, NA
P.O. Box 35480
Newark, NJ 07193-5480

John Edward Blanton
114 Woodlawn Drive
Forest City, NC 28043

O. Max Gardner III
P. O. Box 1000
Shelby, NC 28151-1000

Stephanie Harper Blanton
114 Woodlawn Drive
Forest City, NC 28043

Steven G. Tate
P.O. Box 1778
Statesville, NC 28677

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AMERICAN GENERAL FINANCE
PO BOX 3212
EVANSVILLE IN 47731-3212

(d)American General Finance
P.O. Box 3212
Evansville, IN 47731-3212

BB&T
P.O. Box 580002
Charlotte, NC 28258-0002

(d)BB&T
PO BOX 580002
CHARLOTTE NC 28258-0002

(d)BB&T
RECOVERY DEPT
P O BOX 1489
LUMBERTON NC 28359

(d)BRANCH BANKING & TRUST CO
BANKRUPTCY SECTION
PO BOX 1847
WILSON NC 27894-1847

DISCOVER BANK
DISCOVER FINANCIAL SERVICES
PO BOX 8003
HILLIARD OH 43026

(d)DISCOVER CARD
PO BOX 15251
WILMINGTON DE 19886-5251

(d)DISCOVER CARD
PO BOX 15316
WILMINGTON DE 19850-5316

(d)DISCOVER FINANCIAL SERVICES
PO BOX 8003
HILLIARD OH 43026

(d)Discover Card
P.O. Box 15251
Wilmington, DE 19886-5251

(d)Discover Card
P.O. Box 15316
Wilmington, DE 19850-5316

(d)Discover Financial Services
P.O. Box 8003
Hilliard, OH 43026

INTERNAL REVENUE SERVICE
ROOM 335
320 FEDERAL PLACE
GREENSBORO NC 27401

(d)Internal Revenue Service
Special Procedures Function
320 Federal Place, Room 335
Greensboro, NC 27401

WACHOVIA BK NA/ATT MCCLELLAND
LOSS CONTROL OPER BKRY/REC
PO BOX 3099/NC31027
WINSTON SALEM NC 27150-1027

(d)Wachovia Bank, N.A.
Central BK Dept VA7359
P.O. Box 13765
Roanoke, VA 24037-3765

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Chase Manhattan Bank USA NA

(u)Chase Manhattan Mortgage Corp

(u)Household Finance Company/Beneficial Natio

(u)MBNA America Bank, N.A.

(d)American General Finance
181 Commercial St.
Forest City, NC 28043-2850

(d)BB&T Bankruptcy Section
100-70-01-51
P.O. Box 1847
Wilson, NC 27894-1847

(d)Bank Of America
P.O. Box 53132
Phoenix, AZ 85072

(d)Bank Of America Bankruptcy Dept.
Dept NC4-105-03-14
P.O. Box 26012
Greensboro, NC 27420

(d)Beneficial
P.O. Box 17574
Baltimore, MD 21297-1574

(d)Beneficial
P.O. Box 8633
Elmhurst, IL 60126

(d)Beneficial
P.O. Box 9055
Brandon, FL 33059

(d)Chase Customer Service
P.O. Box 15902
Wilmington, DE 19850-5902

(d)Chase Manhattan Bank USA, NA
P.O. Box 15583
Wilmington, DE 19886-1194

(d)Chase Manhattan Mortgage Corp.
10790 Rancho Bernardo Rd.
San Diego, CA 92127

(d)Chase Manhattan Mortgage Corp.
3415 Vision Drive
Columbus, OH 43219-6009

(d)Chase Manhattan Mortgage Corp.
P.O. Box 24696
Columbus, OH 43224-0696

(d)Chase Manhattan Mortgage Corp.
P.O. Box 830016
Baltimore, MD 21283-0016

(d)Chase Platinum Mastercard
P.O. Box 15650
Wilmington, DE 19886-5650

(d)Citi Cards
P.O. Box 3671
Urbandale, IA 50323

(d)CitiCorp Trust Bank Mortgage Services
P.O. Box 140129
Irving, TX 75014

(d)CitiCorp Trust Bank Mortgage Services
P.O. Box 371453
Pittsburgh, PA 15250-7453

(d)Cleveland Regional Medical Ctr
201 E. Grover St.
Shelby, NC 28150

(d)Cleveland Regional Medical Ctr
P.O. Box 12150
Charlotte, NC 28220-2150

(d)Consumer Credit Counseling Service
757 Frederick Rd.
Baltimore, MD 21228-4503

(d)Discover Financial Services
P.O. Box 5044
Sandy, UT 84091-5044

(d)Dish Network
Dept 0063
Palatine, IL 60055-0063

(d)Dish Network
P.O. Box 105013
Atlanta, GA 30348-5013

(d)Dish Network
P.O. Box 105169
Atlanta, GA 30348-5169

(d)ECAST SETTLEMENT CORPORATION
PO BOX 35480
NEWARK NJ 07193-5480

(d)Encore Receivable Management, Inc.
P.O. Box 3330
Olathe, KS 66063-3330

(d)MBNA America
P.O. Box 15026
Wilmington, DE 19850-5026

(d)MBNA America
P.O. Box 15288
Wilmington, DE 19886-5288

(d)Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

(d)Rutherford Radiological Assoc., PA
P.O. Box 886
Rutherfordton, NC 28139

(d)Sears Credit Cards
P.O. Box 182156
Columbus, OH 43218-2156

(d)Sears, Roebuck & Co.
P.O. Box 3671
Des Moines, IA 50322

(d)Upstate Carolina Medical Center
1530 N. Limestone St.
Gaffney, SC 29340

(d)eCast Settlement Corporation
P.O. Box 35480
Newark, NJ 07193-5480

End of Label Matrix
Mailable recipients 78
Bypassed recipients 38
Total 116